
ANNUAL GENERAL MEETING MEMBER QUESTIONS & MOTIONS PACK

24TH NOVEMBER 2021

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KILLARNEY
GOLF & FISHING CLUB

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ANNUAL GENERAL MEETING

CHAIRMAN UPDATE

Dear Member,

As a follow on from the comprehensive AGM pack sent last week, we now present a members questions and motions document. As we have 8 motions to vote on this year, we wanted to provide a single document to all members to allow for ease of access to the required information to form your opinion on whether or not the motions presented before you should pass or not.

We kindly ask that you give consideration to all sides of the motions.

Motions 1-5 Management Council Motions

For motions 1-5, the Management Council are fully supporting the motions.

Motions 6-8 Member Motions

For motions 6-8, the proposers are fully supporting the motions, while the Management Council are unanimously against the motions. Arguments on both sides are presented within each section.

We have received really positive feedback from Members about the information contained in the AGM pack and we thank all those who reached out to us. It is testament to all at the club that we managed to achieve such a positive outcome in a year that presented many unique challenges. As we head toward 2022 with ongoing uncertainty, we assure our Members that we will continue to manage our way through this crisis with prudence and caution. Several members submitted questions and they have been responded to personally by email and within the member questions section of the document on page five.

On behalf of everyone at the club, thank you for your continued support.

Yours in golf,

Adrian Brennan

Adrian Brennan

Chairman

Management Council 2021



RESPONSE TO MEMBERS QUESTIONS

ANNUAL GENERAL MEETING

RESPONSE TO MEMBER QUESTIONS

GOLF COURSE & CAPITAL EXPENDITURE 2022

The Golf Course conditioning is going to be the number one priority for 2022 and the budget has been allocated accordingly. The full new fleet of machinery will be on site by the start of the new season which will help to improve the presentation of all golf courses.

The bunkering work that will be completed in 2022 will include reshaping some bunkers on Mahony's Point. This refers to filling in and resodding the tongues/lips that have developed over time but nothing that will materially impact the design of the Golf Course. The sanding programme will include 500 tonnes of sand for fairways in 2022. We also purchased a sand spreader machine which will now allow us to do this job in house which is more cost effective. Fairway topdressing is also planned for 2023 and this process will improve the playing surfaces of fairways and will assist with drainage.

VOTING ON MOTIONS BY MEMBERS

All motions put forward for by either Management Council or members must allow all eligible members to vote on each motion for the club to comply with its constitution. We understand that these are very unusual times, and the Management Council would have loved to have a normal AGM to discuss members opinions. Unfortunately, Covid 19 has again impacted our AGM but hopefully in 2022 we can return to some sort of normality. Please follow How Voting Will Run in this document to ensure you contribute your vote.

WALKING & CYCLING THROUGH THE COURSE

The Management Council are very aware of the increased activity on the courses from walkers and cyclists especially since COVID-19 began back in March 2020. The current Management Council have proposed a motion to members to include Golfsure Insurance as a requirement of membership to ensure all members are covered further by the policy at the additional cost of €25. The incoming Management Council will look very closely at additional measures that can be taken to reduce the risk of accidents on the facility. This will be a priority for the incoming Management Council.

STAFFING LEVELS

The Management Council had to make difficult decision in 2020 and 2021 in terms in reducing resources in this area. There is always a knock of effect of reduction in resources. The staff worked very hard to reduce this effect which we are very grateful for. We hope to get to back to some sort of normality in 2022 where we hope that we have an uninterrupted year. We hope to add more course rangers to the Golf Services team once normal levels of business return in 2022.

FINANCIAL PERFORMANCE

The Management Council would like to thank members for the compliments on the management of the club's finances. We have made good progress in the last few years in this area but there's a long way to go. Many areas of the facility are substandard and in need of upgrading. Members have correctly identified, the carpark, the driveway, the lagoon and a number of areas within the clubhouse which need investment.

We will continue to improve these areas on a phased basis while continuing to be prudent with the amount of uncertainty in our market. We are very happy with our partners/contractor's performance and the return on Investment that the club is currently getting for its members.



HOW AGM VOTING WILL RUN

ANNUAL GENERAL MEETING

HOW THE AGM WILL RUN

OVERVIEW

At a meeting on Wednesday, 10th November 2021, after much deliberation and consideration, the Management Council unanimously decided that the 2021 AGM will no longer be held in person, but will instead follow the same format as the 2020 AGM via digital medium.

IN ADVANCE - WEDNESDAY 17TH NOVEMBER 2021

- AGM Information Pack will be sent to Members via email.
- We invite questions from Members.
- The closing date for questions is Sunday, 21st November 2021 at 5pm.

MOTIONS - TUESDAY 23RD NOVEMBER 2021

- Publish a Members Questions & Motions Pack.

ON THE DAY - WEDNESDAY 24TH NOVEMBER 2021

- Voting Opens at 7.30am
- Members will be emailed a link to the Voting Platform
- Members can visit the Clubhouse and use the Voting Kiosk from 8am to 5:30pm
- Members will Sign In to AGM
- A quorum of 50 Member Sign-Ins must be reached for AGM to be valid
- Members will cast their votes on the motions
- Online voting will close at 7.00pm
- Voting results of the Annual General Meeting will be published Thursday, 25th November 2021

WHAT DO MEMBERS NEED TO VOTE?

In order to sign in to the Annual General Meeting and register your vote on the motion, members will require the following information.

- Name
- Golf Ireland Number
- Date of Birth
- Phone Number

Please ensure you have this information as it will not be possible to sign in and register your vote without it.

MOTIONS

FROM Management Council

VOTING WILL TAKE PLACE ONLINE
ON 24TH NOVEMBER 2021

ANNUAL GENERAL MEETING

MOTIONS 1 - 5

OVERVIEW MOTIONS 1 - 5

The Management Council are proposing **5 motions** for members consideration this year.

MOTION 1 - New Member Fee Increases

It is proposed by the Management Council that Membership fees for new members be increased as follows:

- The New Full Ordinary Members rate for year 1 will increase from €1,976 to €2,976 plus Golf Ireland Fees. This is an increase of €1,000. Annual subscription after year 1 will be €1,176.
- The New Full Ordinary Spousal/Civil Partnership Members rate for year 1 will increase from €2,952 to €4,452 plus Golf Ireland Fees. This is an increase of €1,500. Annual subscription after year 1 is €1,752.
- The New Full Ordinary 25 – 29 Members rate will increase for year 1 from €665 to €1,415 plus Golf Ireland Fees. This is an increase of €750. Annual subscription after year 1 will be €665.
- The New Full Ordinary 18 - 24 Members rate will increase for year 1 from €370 to €1,150 plus Golf Ireland Fees. This is an increase of €750. Annual subscription after year 1 will be €370.

Proposed by Ann Courtney - Finance Officer. Seconded by Adrian Brennan - Chairman.

NOTE:

We respectfully ask that members support the introduction of this new entrance fee. Currently, the average membership fee paid at the club, is circa €650 per person and this is well below the industry norm for a club and facility such as ours. Additionally the entrance fee has not increased since 2015. This proposal to increase the year 1 fees adds to the value of current members' membership at the Golf Club and is more in line with our competitors.

We believe that the membership fees continue to offer excellent value for money, with three courses available to members to play each day. In addition, members are currently able to play competitions on both Saturdays and Sundays to facilitate members with work and family life

ANNUAL GENERAL MEETING

MOTIONS 1 - 5

MOTION 2 - Golf Insurance

It is proposed by the Management Council that...

- Golf Insurance via the golf club's current Golsure policy become a requirement for all members on an annual basis. Away members are also included, but they may hold their policy in their home club and must provide proof of insurance. (2021 cost was €25.)

Proposed by Ann Courtney - Finance Officer. Seconded by Adrian Brennan - Chairman.

NOTE:

The Management Council supports the introduction of insurance for all members and respectfully recommends that you support this motion.

We see this measure as necessary given recent case law regarding incidents/accidents on golf courses all over Ireland. We have all seen a massive increase over the last 18 months, in the volume of pedestrians and cyclists using the roads throughout the facility, members are well aware of this and they are rightly concerned. The insurance is to ensure all members are fully covered whilst playing golf at the club.

In 2021, with the introduction of the new digital membership system, we saw a 400% increase in members availing of the GolfSure policy.

The introduction of this policy to all members will provide an additional layer of personal and accident cover to you as members and the golf club as a whole. The current cost is €25 per year. Full details are on the next page.

ANNUAL GENERAL MEETING

MOTIONS 1 - 5



Golf Equipment / Personal Effects

- 'All Risks' on your Golf Equipment up to €4,000
- Personal Clothing up to €750
- Excess €50

Definitions

Golf Equipment includes:

- Golf Clubs, Golf Club Bag, Caddy Car, Sky Caddies
- Golf Shoes, Golf Waterproofs, Golf Hats, Golf Gloves, Golf Carry Bag (for bringing clothes etc.)
- Personal items, Clothing, Watches, Jewellery, Jackets, Jumpers, Shirts, Trousers and ordinary shoes

Loss of Keys

- Covers the cost of replacing car keys lost whilst on Golf Club Premises (No deductible shall apply to this section)

Mobile Phones

- Cover for personal mobile telephones up to €100 if damaged on Golf Club premises (No deductible shall apply to this section)

Delayed Arrival of Clubs

- Cover for delayed arrival of clubs when travelling (excluding buggies and to a limit of €250)

Personal Liability and Personal Accident

- Personal Liability up to €2,600,000
- Accidental Death up to €150,000
- Major Disability such as Permanent Total Disablement, Loss of Limbs, Loss of Eyes up to €150,000
- Loss of Hearing: Both ears €150,000, One ear €37,500
- Temporary Total Disablement up to €250 per week for up to two years
- Medical Expenses are covered up to €3,300 in Republic of Ireland & up to €30,000 elsewhere in the world
- Dental up to €10,000
- Facial Scarring up to €3,000
- Hospitalisation (€50 max 20 days) up to €1,000
- Coma (€100 per week 26 weeks) up to €2,600



- Loss of Subscriptions Cover up to €1,000 if you sustain an injury that prevents you from enjoying the full benefit of your club membership which you have paid for in full

Personal Claims Contact

In the event of a claim under Section 1, 2 & 3 please contact:

Allianz plc
Elmpark
Merrion Road
Dublin 4
Phone: 1890 779 999
Email: Golsure.personal@allianz.ie

In the event of a Hole in One claim please note the following:

All signed cards to be sent to:

Golsure Personal Team, Broker Services
Willis Towers Watson House
Elm Park Business Campus
Merrion Road, Dublin 4
D04 P231, Ireland
Email: service.team@willistowerswatson.com



Allianz  **WillisTowers Watson** 

Golsure is a tailor-made insurance policy to meet all the needs of Golf Clubs and Golfers, and has been supporting them in Ireland since 1998.

- Allianz p.l.c is regulated by the Central Bank of Ireland.
- Willis Towers Watson Insurances (Ireland) Limited, t/a Willis Towers Watson is regulated by the Central Bank of Ireland.

ANNUAL GENERAL MEETING

MOTIONS 1 - 5

MOTION 3 - Golf & Fishing Members

It is proposed by the Management Council that...

- An annual fee of €280 is to be introduced to all current golf members who also hold a fishing berth. These annual fees collected are to be ring-fenced and re-invested in the Lagoon area.

Proposed by Ann Courtney - Finance Officer. Seconded by Adrian Brennan - Chairman.

MOTION 4 - Existing Golf Members Adding A Berth

It is proposed by the Management Council that...

- A boat berth allocation fee of €3,000 will apply to any existing golf member wishing to apply for a new berth in the Lagoon. An annual fee of €280 a year will also apply as an extra to golf members who are allocated a new berth. The €3,000 fee includes the year 1 fee of €280.

Proposed by Ann Courtney - Finance Officer. Seconded by Adrian Brennan - Chairman.

MOTION 5 - New Fishing Only Members

It is proposed by the Management Council that...

- A boat berth allocation fee of €5,000 will apply to all new fishing only members wishing to apply for a berth in the Lagoon. An annual fee of €535 a year will also apply once the allocation fee has been paid. The €5,000 does not include the year 1 fee of €535. New fishing only member berths will only be offered if available berths are not taken by existing members.

Proposed by Ann Courtney - Finance Officer. Seconded by Adrian Brennan - Chairman.

ANNUAL GENERAL MEETING

MOTIONS 1 - 5

MOTION 3, 4 & 5 NOTES:

The Management Council respectfully ask members to support motions 3,4, and 5.

In motion 3 - The Management Council are supporting the rate increase for current golf members, who also hold a fishing berth and respectfully recommend that you support this motion.

As it currently stands, members who hold a fishing berth do not pay any additional membership fee for that berth. Fishing only members pay a separate rate which includes the boat berth, and they are unaffected by this motion.

There are approx. 130 boat berths in the Lagoon area. This area requires significant investment. We have received a few quotes/costings during the year regarding upgrading this area. The most recent costings received indicate that an investment of circa €180,000 to €300,000 would be required to bring the Lagoon up to a modern standard.

Please note that the funds raised from this fee would be ringfenced and invested directly into upgrading the Lagoon area (over the next 10 to 15 years).

At present, there are 30 vacant berths, none of which can be allocated to members, due to their poor condition and lack of access due to safety concerns.

By bringing these three motions to the AGM, the Management Council hope to highlight the need for this area to be addressed and upgraded.

Regarding Motion 4 and 5, members who use this area the most will see the value in their investment with a substantially improved Lagoon.

Any unused boat berths will be first offered to existing members under the terms set out in motion 4.

If not all the berths are taken up by existing members, they will be offered under the terms of motion 5 to complete new fishing members if available.

Again, to highlight, if these motions are voted through, we will ringfence money required to upgrade this area over the coming years.

Unfortunately, if the motions are defeated, the club will have to assess the long-term viability of the Lagoon facilities.

MOTIONS

FROM MEMBERS

VOTING WILL TAKE PLACE ONLINE
ON 24TH NOVEMBER 2021

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

OVERVIEW MOTIONS 6 - 8

Motions 6-8 have been received and are proposed by John O'Mahony and seconded by David Byrne.

MOTION 6 - 5% Direct Debit Fee

It is proposed by John O'Mahony that...

- that the 5% fee for direct debit membership payments that was introduced this year be rescinded, notwithstanding that the 5% fee was not approved by Members at General Meeting last year.

Proposed: John O'Mahony. Seconded: David Byrne

MOTION 7 - Refund to Direct Debit Payers

It is proposed by John O'Mahony that...

- If the above motion 6 is passed, it is proposed that all members who paid the 5% fee for membership for 2020 should have the fee refunded.

Proposed: John O'Mahony. Seconded: David Byrne

MOTION 8 - Process for Clause 19.1

It is proposed by John O'Mahony that...

- The Management Council confirm the correct approach to the setting of membership subscriptions, fees and levies, and to commence, it required, the provision of an amendment to the existing Constitution, further to Clause 19.1 of the Constitution, that shall reflect the clearly stated provision of the Constitution at Clause 9.1.1.2.6 that only the Membership may set annual subscriptions, levies and fees.

Proposed: John O'Mahony. Seconded: David Byrne

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6,7 & 8 PROPOSER NOTES:

Motion 6.

1. In 2021, without approval of the members at a General Meeting, a 5% fee was introduced against members that avail of payment by direct debit.
 2. We believe that this charge imposed by the Management Council of Killarney Golf and Fishing Club is
 - a. Unconstitutional * (Explanatory Note 1)
 - b. Contrary to the agreement reached with all members who are paying the membership fee of 1200 Euro per year * (Explanatory Note 2)
 - c. In addition to a) and b), it is excessive and was introduced in a misleading fashion to the members. * (Explanatory Note 3)
-

***Explanatory Note 1**

The charge is unconstitutional:

The Constitution of Killarney Golf & Fishing Club is very clear –

At Clause 9.1, it provides that “The business of the Annual General Meeting shall include The setting of annual subscriptions, levies and fees”. Nowhere in the Constitution does it provide for any other body to set subscriptions, levies and fees.

At Clause 11.2.4 it provides that “Members shall be permitted to pay the annual subscription by way of a direct debit scheme. The subscription is to be paid in nine equal monthly instalments”. Nowhere in this Clause does it provide for an additional fee for such payment. In addition, the Management Council, in a letter to the seconder of this proposal stated that it was intended to have 7 payments for 2021 but after discussion, “we decided to extend the payments to 9 monthly instalments, to accord with the constitution”.

Clause 8.1.15(d) provides that the Management Council is responsible for “the control and management of the Club’s finances”. The Management Council, in correspondence with the proposer and seconder, advised that they had the right under this Clause to charge this fee to the Members. We disagree fundamentally that this Clause permits the Management Council to override the right of the Members to set subscriptions, levies and fees nor was it a matter of sufficient urgency to introduce this without a vote of the Members of the club.

In correspondence with the council, it was confirmed that the direct debit fee has been under consideration since 2019, and it was introduced to the members in Dec 2020. In that same timeframe the council held 2 votes for fees and levies, and these were for sums far greater than the amount the direct debit charge will have raised.

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6,7 & 8 PROPOSER NOTES CONTINUED:

- The first was the SGM vote in Sept 2020 for the Emergency Support Levy, which if passed would have raised in excess of €250,000.
- The second was a vote for the Nov 2020 AGM for a €20 increase across a range of membership fees that would have raised in the order of approx. €20-25,000 per annum.

The direct debit fee should have been dealt with by a vote at a General Meeting, the same as the other 2 fee issues.

A 2nd point raised by council to justify this not needing to be voted on at AGM said ...

“The issue that has been raised is that this is an additional fee on all members, which should have been agreed via a motion by the members at an AGM. Having discussed the issue, we respectfully disagree that this is a new fee on all members. This is a charge to any member who opts to pay his/her annual subscription in this manner.”

The issue of this being an “additional fee on all members” was not raised by us, however in our view it is irrelevant. Section 9.1.1.2.6 is worded as “The setting of annual subscriptions, levies and fees” and does not make any distinction between fees for some or all members. In fact, the €20 fee increase mentioned previously was not a fee for all members (no member who is paying 1,200 Euro per year is subject to the 20 Euro fee increase). We believe that this fee is the same as the 5% increase introduced by the Management Council without putting it to the Members. Yet the council proposed one fee for the 2020 AGM, and it was voted on as per the constitution, and imposed the other without putting it to the Members.

***Explanatory Note 2**

The charge is contrary to the agreement reached with members paying the 1200 Euro Fee. Any member who joined the Club on the “1200 Euro per year” membership did so on a very clear agreement – that his or her membership would not increase until the normal membership reached the sum of 1200. However, this introduction means that this agreement has been clearly breached as any such member who had availed of the nine month payment method in prior years found themselves being liable to pay 1260 for 2021.

***Explanatory Note 3**

This fee is excessive and was introduced in a misleading fashion to the members. We have been told that this is an industry norm and is in line with direct debit fees for insurance and car payments. However, it should be remembered that Killarney Golf Club is not a profit-making business but a members run, community-based facility. It is not and should not operate in the same mode as profiteering businesses such as banks and car sales.

In any case it turns out the reason for the 5% fee is that it is not just to cover the costs of the direct debit but is used to part pay for the new software system in use at the club, from GoCardLess.com or GolfClubSubs.com. This was confirmed by Synergy in a presentation to the Men’s Club committee earlier in the year at which the council chairman was present and confirmed this.

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6,7 & 8 PROPOSER NOTES CONTINUED:

Not only is this unfair to those paying the direct debit, in correspondence to the members on Jan 14 we were misled in this regard - In the FAQ section of that update email, under the question "What about the 5% cost for direct debit" it was stated "The Club itself does not collect any of these processing costs, nor does it profit from this transaction in anyway".

If as Synergy confirmed the fee is used to pay for the software, then that update is certainly misleading.

Motion 7.

We believe this is self-explanatory and follows on from Motion 1.

Motion 8.

In correspondence received from the Management Council regarding the 5% direct debit fee, it was stated that they had "looked at this matter and we got advice on it".

It is imperative, given that this action obviously contradicts one of the primary obligations on the Members in the Constitution, that the Members are given the details of that advice.

The Constitution clearly intends to place the setting of annual subscriptions, levies and fees in the hands of the Members. If legal advice indicates an unintentional loophole in the Members Constitution, the Members are entitled to evaluate the position and close any possible loophole that unintentionally denies the Members that fundamental obligation. We would propose that council come back to members with their findings as soon as possible and that they propose any amendment to the constitution that might be needed to close such a loophole.

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6 Management Council NOTES:

As a Management Council, we respectfully recommend that motion 6 should not be passed.

SUMMARY

1. The Golf Clubs Solicitor, Mr Joe Mannix, advised that the 5% charge for Direct Debit was not an item for the AGM and is covered under the Constitution 8.1.15 Responsibilities of the Management Council.
2. The Management Council felt that this is not a levy or fee applied to the Club. In fact, it was an outside processing charge not collected by the Club for a transactional business arrangement to avail of the direct debit facility.
3. The Management Council felt it was fairer that the cost of the Direct Debit would be covered by those who avail of this service and not by all the members.
4. The introduction of the online membership system has been a massive advantage to the Club in terms of managing the membership process, especially in these Covid 19 affected times.
5. There is a cost-saving of circa €10,500 each year for the Club and its members by using the new membership compared to the old process.

ADDITIONAL INFORMATION

Over previous years the cost of administering and maintaining the direct debit facility for the members who availed of it had been absorbed by the Club. As part of a club-wide initiative to review all functions of how we operate as a club, it was ascertained that the direct debit facility impacted the Club in the following manner:

- The cost associated with providing the service was costing the Club on average €15,000 per annum; this was absorbed by the Club.
- The club administration team would spend three to four weeks of labour per year managing, reconciling, and chasing outstanding balances.
- Approximately only 25% members availed of direct debit payments facility

Considering these findings, the Management Council had to seek a more effective solution to continue offering a direct debt facility to members who wished to avail of the service. The Management Council believed that following precedent from other clubs the cost of availing of a payment plan should be covered by those using the service rather than the Club as a whole shouldering the cost. This would ensure that the cost typically borne by the Club would be reinvested in the facilities and reduce the administrative burden on the club team.

The COVID-19 pandemic introduced complications to our traditional renewal procedure and further heightened the need to modernise the payment facilities at the Club as a matter of urgency. The Management Council assessed several options and decided to proceed with the GolfClubSubs platform as:

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6 Management Council NOTES CONTINUED:

- The new system would show a saving of €10,500 per year to the Club to be reinvested in improving the club facilities for all members.
- 5% cost associated with the direct debit facility was competitive in line with other financial product providers.
- Significant savings in labour hours was achieved.

THE CONSTITUTION / LEGAL ADVICE:

The Management Council sought legal advice from the Club's solicitor on this matter, and we were advised that this was not contrary to the Constitution.

The Management Council sought clarification as to whether the 5% charge by a third party to provide this direct debit service was an increase in subscriptions, levies, and fees, which is set at our annual AGM's.

The club solicitor Mr Joe Mannix confirmed that this is not a levy, fee or increase in a members sub. It was a processing charge for the members who choose to avail of the direct debit facility. Mr Mannix confirmed that it is not a fee to all members, and therefore constitution clause Section 9.1.1.2.6 did not apply.

He cited the Constitution under 8.1.15 Responsibilities of the Management Council: (d) The control and management of the Club's finances took precedence in this case and clarified the position. He outlined that Members have a choice to pay the annual subscription by direct debit or by payment in full. Where an individual pays their subscription in full but has borrowed the funds from, say, their local credit union, then such members are not reimbursed by the club for the interest cost of their loan from the credit union, as it would be repaid over the year.

We believe that it is like other subscriptions that members choose to pay in instalments, varying from health insurance to car insurance. This cost was not transparent to all members that one section of members subsidised the other. This has always cost the Club significant money over the years, which could have been reinvested in course improvements.

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 6 Management Council NOTES CONTINUED:

FUTURE COSTS:

Last year when we announced the new direct debit service, we had promised the few members who raised concerns about this new system that we would review and renegotiate this with the providers for 2022. We have kept that promise and acted in good faith on behalf of all members of the Club.

We are pleased to announce that we have renegotiated the processing charge structure for 2022. The percentage has been reduced to 3.69% for those wishing to avail of Direct Debit over nine payments scheduled to commence in January.

SHOULD THIS BE A COST COVERED BY ALL MEMBERS?

The question to members posed in these motions is:

Should the 3rd party processing charge of Direct Debit subscribers be covered by all members or only those availing of the Direct Debit system?

Clearly, this is members money and the Management Council, who are all volunteers and work on behalf of all members, unanimously agreed to introduce this new direct debit facility in 2021 (based on the legal advice given and in the interest of fairness and transparency to all members).

CONCLUSION

100% of all income raised by the Club is put back into the Club to benefit members. We have made huge improvements over the last three years, and this new system is another step in the continued modernisation of the Club.

ANNUAL GENERAL MEETING

MOTIONS 6 - 8

MOTION 7 & 8 Management Council NOTES:

MOTION 7:

As a Management Council, we are respectfully recommending that motion 7 should not be passed as it sets a dangerous precedent regarding the whole concept of refunds. This motion cuts across the Club's business end, which is a crucial responsibility of the Management Council.

We would feel this would be financially imprudent and unwise, and we would respectfully ask you to trust our judgement in this matter. As a Management Council, we work tirelessly voluntarily for the benefit of all members, so we would ask you to consider our opinion on this matter.

MOTION 8:

We respectfully recommend you not to support this motion, as the direct debit charge is not a fee or levy set by members. It is a commercial charge paid to the 3rd party providers, to any or all members who choose to use this service. The actual subscription paid to the Club has not increased and we believe the service should be paid for by those that avail of it.

Legal advice was given to the council members when reviewing this matter at the time. It was set out clearly in the emails, phone calls and Zoom meetings and is covered above in the note for motion 6 above.

We confirm that there is no loophole, and we have been fully transparent as a council on this matter. The Constitution has robust mechanisms where the Trustees sit at all Management Council meetings. There is always a minimum of 1 Trustee present at council meetings. They have certain powers as Trustees, and their presence and input add significantly to council meetings.

In addition, the President, Lady Captain and Captain are also there in attendance to represent the interests of both clubs and the joint Club.

This decision to ensure members using the direct debit service directly pay the 3rd party costs to the 3rd party providers was unanimous at the council meeting and done in the interest of fairness to all members, i.e., one cohort not subsidising the cost for others.

Members have the right to put forward motions at our AGM's or SGM's if there is any policy they disagree with, as is the case here.

We fully agree that the Constitution at Clause 9.1.1.2.6 that only the Membership may set annual subscriptions, levies, and fees. Motions 1 to 5 of this AGM confirms this.

However, to clarify again, this is not a levy as we have been advised from the outset by the Club's solicitor Mr Joe Mannix.



KILLARNEY
GOLF & FISHING CLUB

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